

ORDINANCE NO. 5410

AN ORDINANCE providing for the submission to the qualified electors of the City of Bellevue at an election to be held on November 5, 2002, of a proposition authorizing the City to issue its general obligation bonds in the aggregate principal amount of not to exceed \$60,000,000 for the purpose of acquiring, improving and developing open space and park facilities.

PASSED: September 20, 2002

PREPARED BY:

PRESTON GATES & ELLIS LLP
Seattle, Washington

ORDINANCE NO. 5410

AN ORDINANCE providing for the submission to the qualified electors of the City of Bellevue at an election to be held on November 5, 2002, of a proposition authorizing the City to issue its general obligation bonds in the aggregate principal amount of not to exceed \$60,000,000 for the purpose of acquiring, improving and developing open space and park facilities.

WHEREAS, the City Council of the City of Bellevue, Washington (the "City") has previously approved a Parks, Open Space and Recreation Plan (the "Plan"), calling for the acquisition of open space and the acquisition, improvement and development of various City parks and recreation facilities; and

WHEREAS, to provide financing for the acquisition, improvement, development, construction and equipping of open space, park and recreation facilities contained in the Plan and identified in Section 1 hereof (the "Park Improvements"), it is deemed necessary and advisable that the City issue and sell its unlimited tax levy general obligation bonds in the principal amount of not to exceed \$60,000,000 (the "Bonds"); and

WHEREAS, the constitution and laws of the State of Washington provide that the question of whether or not the City may issue such Bonds be submitted to the qualified electors of the City for their ratification or rejection; and

WHEREAS, the conditions here and above set forth create an emergency which requires the holding of a special election in the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLEVUE, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby finds that the best interests of the inhabitants of the City require the City to acquire, improve, develop, construct and equip open space, park and recreation facilities contained in the Plan and identified below, at the time and in the order and in the manner deemed most necessary and advisable by the Council (the "Park Improvements").

1. Open Space Acquisitions (estimated cost of \$14,500,000). Purchase parcels that add to the City's existing holdings, protect major sensitive areas, or provide trail corridors and open space buffers. These parcels may add to existing holdings located at Mercer Slough, Bellevue Botanical Gardens, Kelsey Creek, Lake Hills Greenbelt, and Weowna Park, and in the Richards Valley and Newcastle Subareas, or may be new areas or trails.
2. Waterfront Access (estimated cost of \$8,500,000). Acquire parcels to provide public access to water on Lake Washington and Lake Sammamish.
3. Community and Neighborhood Park Acquisition (estimated cost of \$17,000,000). Purchase parcels that provide community and neighborhood parks, trails and open space. These parcels may be located in the Bridle Trails, North Bellevue, Downtown, Southwest Bellevue, Newport Hills, Factoria and Eastgate Subareas.
4. Neighborhood and Mini-Park Development (estimated cost of \$3,000,000). Develop neighborhood and mini parks. These parks may be located in the Bridle Trails, Richards Valley, Newcastle, Newport Hills, and Factoria Subareas.
5. Sportsfields Development (estimated cost of \$2,000,000). In cooperation with the Bellevue School District, redevelop school sport fields at selected school sites and provide sports field improvements at selected City parks.
6. Community Park Development (estimated cost of \$6,000,000). Develop a community park in the Eastgate Subarea or elsewhere within the City limits.
7. Botanical Garden (estimated cost of \$3,000,000). Develop an additional phase of the Botanical Garden Masterplan including the expansion of the visitor center.
8. Crossroads Park Development (estimated cost of \$1,000,000). Develop an additional phase of the Crossroads Masterplan.
9. Enatai Beach Park Development (estimated cost of \$1,000,000). Develop an additional phase of the Enatai Beach Park Masterplan.

10. Downtown Park Development (estimated cost of \$2,000,000). Develop an additional phase of the Downtown Park Masterplan.
11. North Bellevue Community Center (estimated cost of \$2,000,000). Construct an addition to the North Bellevue Community Center.

The cost of all necessary appraisals, negotiation, closing, architectural, engineering, financial, legal and other consulting services, inspection and testing, administrative and relocation expenses and other costs incurred in connection with the foregoing capital improvements shall be deemed a part of the capital costs of such improvements. Such improvements shall be complete with all necessary furniture, equipment and appurtenances.

The City Council shall determine the exact specifications for the Park Improvements as well as the timing, order and manner of completing the projects. By ordinance of the City, the Council may alter, make substitutions to and amend such project descriptions as it determines is in the best interests of the City and consistent with the general descriptions provided herein. By ordinance, the City Council shall determine the application of moneys available for the various projects set forth above so as to accomplish, as nearly as may be, all of the improvements described as part of such project.

If the City Council, by ordinance, shall determine that it has become impractical to acquire, construct or equip all or any portion of the Park Improvements by reason of changed conditions, incompatible development, costs substantially in excess of the amount of bond proceeds or tax levies estimated to be available, or acquisition by a superior governmental authority, the City shall not be required to acquire, construct or equip such portions. If all of the Park Improvements have been constructed or acquired

or duly provided for, or found to be impractical, the City may apply the Bond proceeds (including earnings thereon) or any portion thereof to other park and recreation capital purposes or to the redemption of the Bonds as the Council, by ordinance and in its discretion, shall determine.

Section 2. Authorization of Bonds. For the purpose of providing the funds necessary to pay the costs of the Park Improvements, together with incidental costs and costs related to the sale and issuance of the Bonds, the City shall issue and sell its general obligation bonds in the aggregate principal amount of not to exceed \$60,000,000. The Bonds shall be issued in an amount not exceeding the amount approved by the electors of the City and not exceeding the amount permitted by the constitution and laws of the State of Washington. The balance, if any, of the cost of the Park Improvements shall be paid out of any other legally available funds. The Bond proceeds (and earnings thereon) shall be used to pay the costs of Park Improvements, together with incidental costs and costs related to the sale and issuance of the Bonds, and shall not be used for the replacement of equipment or for other than a capital purpose.

The Bonds shall be issued in such amounts and at such time or times as found necessary and advisable by the City Council and as permitted by law. The Bonds may be issued in one or more series and shall bear interest payable at a rate or rates authorized by the City Council. The Bonds shall mature in such amounts and at such times within a maximum term of 20 years from date of issue, all as authorized by the City Council and as provided by law. The Bonds shall be general obligations of the City and, unless paid from other sources, both principal of and interest on the Bonds shall be

payable out of annual tax levies to be made upon all the taxable property within the City without limitation as to rate or amount and in excess of any constitutional or statutory tax limitation. The exact date, form, terms, options of redemption, maturities, covenants and manner of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the City Council. After voter approval of the Bond proposition and in anticipation of the issuance of such Bonds, the City may issue short-term obligations as authorized by Chapter 39.50 RCW.

Section 3. Bond Election. Subject to Section 4 hereof, it is hereby found and declared that an emergency exists requiring the submission to the qualified electors of the City of a proposition authorizing the City to issue Bonds for the purposes of funding the Park Improvements, at an election to be held on November 5, 2002. The King County Department of Records and Elections, as *ex officio* supervisor of elections, is hereby requested to find the existence of such emergency and to assume jurisdiction of and to call and conduct said general election to be held within the City and to submit to the qualified electors of the City the proposition hereinafter set forth.

The City Clerk is hereby authorized and directed, not less than 45 days prior to such election date, to certify the proposition to the King County Department of Records and Elections in substantially the following form:

CITY OF BELLEVUE
PROPOSITION NO. 1

GENERAL OBLIGATION PARKS AND
OPEN SPACE BONDS

The City Council of the City of Bellevue adopted Ordinance No. 5410 concerning a parks and open space bond proposition. This proposition authorizes the City to acquire property to preserve open spaces and natural areas, acquire and develop new neighborhood parks, improve existing parks and facilities, and improve and develop sportsfields; to issue \$60,000,000 of general obligation bonds maturing within a maximum of 20 years; and to levy property taxes annually in excess of regular property taxes to repay the bonds as provided in Ordinance No. 5410. Should this proposition be:

APPROVED? ☐

REJECTED? ☐

The polls for such special election shall be open from 7:00 a.m. to 8:00 p.m.

Certification of such proposition by the Clerk of the City to the King County Department of Records and Elections, in accordance with law, prior to the date of such election, and any other acts consistent with the authority, and prior to the effective date, of this ordinance, are hereby ratified.

Section 4. Effect of September 17, 2002 Election. The City previously submitted the proposition approved in this ordinance to the voters of the City on September 17, 2002 in the form of City Proposition No. 1. In order to meet the deadline for submittal of the proposition approved in this ordinance to the voters at the November 5, 2002 election, it is necessary to proceed to approve and submit the proposition to the King County Department of Records and Elections, prior to receiving confirmation regarding the approval or disapproval of the September 17, 2002 vote on City Proposition No. 1. Accordingly, the proposition approved in this ordinance is provisional and shall have no force and effect and shall not appear on the November 5, 2002 ballot if it is determined that City Proposition No. 1, which appeared on the September 17, 2002 ballot, has been approved by the voters.

Section 5. Effective Date. This ordinance shall become effective five days after its passage and legal publication.

PASSED THIS 20th DAY OF SEPTEMBER, 2002, by the City Council of the City of Bellevue, and signed in approval therewith this 20th day of September, 2002

CITY OF BELLEVUE

Connie B. Marshall, Mayor

APPROVED AS TO FORM:

Richard L. Andrews, City Attorney

Patrice C. Cole, Assistant City Attorney

ATTEST:

Myrna L. Basich, City Clerk

PUBLISHED: _____

CERTIFICATE

I, the undersigned, Clerk of the City of Bellevue, Washington (the "City"), and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. 5410 of the Council (the "Ordinance"), duly passed at a special meeting thereof held on the 20th day of September, 2002.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption of said Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of September, 2002.

Clerk

SUPERINTENDENT OF ELECTIONS
KING COUNTY RECORDS AND ELECTIONS DIVISION

WHEREAS, the undersigned, as the duly elected, qualified and acting Manager of King County Records and Elections Division, King County, Washington, has jurisdiction of and is required by law to conduct all special elections for cities within the County; and

WHEREAS, the City of Bellevue lies entirely within the boundaries of King County; and

WHEREAS, the City Council of said City by Ordinance passed on September 20, 2002, a certified copy of which has been delivered to the undersigned, has found that an emergency exists requiring the holding of a special election on November 5, 2002; and

WHEREAS, said City by said Ordinance has authorized and directed the undersigned to assume jurisdiction of and conduct said special election within King County;

NOW, THEREFORE, it is hereby authorized and ordered as follows:

The undersigned concurs in the finding of an emergency and does hereby assume jurisdiction within King County of the above-mentioned special election of the City of Bellevue, authorized and ordered by Ordinance of its City Council passed on September 20, 2002, and will conduct said special election to be held November 5, 2002.

DATED at Seattle, Washington, this ____ day of _____, 2002.

Superintendent of Elections
King County Records and Elections
Division

CITY OF BELLEVUE
OFFICIAL BALLOT

GENERAL OBLIGATION PARKS AND
OPEN SPACE BONDS

November 5, 2002

INSTRUCTION TO VOTERS: To vote in favor of the following proposition, place a cross (X) in the square opposite the word "APPROVED?"; to vote against the following proposition, place a cross (X) in the square opposite the word "REJECTED?".

CITY OF BELLEVUE

PROPOSITION NO. 1
CITY OF BELLEVUE

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APPROVED? ☐

REJECTED? ☐

NOTICE OF SPECIAL ELECTION

CITY OF BELLEVUE

GENERAL OBLIGATION PARKS AND
OPEN SPACE BONDS

November 5, 2002

NOTICE IS HEREBY GIVEN that on Tuesday, November 5, 2002, a special election will be held in the above-named city for the submission to the qualified electors of said city of the following proposition:

CITY OF BELLEVUE
PROPOSITION NO. 1

GENERAL OBLIGATION PARKS
AND OPEN SPACE BONDS

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APPROVED? ☐

REJECTED? ☐

The polling places for all precincts wholly or partially within the district shall be as follows:

<u>Precincts</u>	<u>Polling Places</u>
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Said polling places shall be open from 7:00 a.m. to 8:00 p.m.

King County Department of Records and
Elections

0572-ORD
9/23/2002